

SOUTH DAKOTA BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS

Tuesday, September 11, 2007

10:55 a.m.

Holiday Inn City Centre

Sioux Falls, SD

The meeting was called to order at 10:55 a.m. by Robert Ferrell, MD, president of the Board. Roll call was taken and members present were Mr. Patrick Burchill, Mr. Bernie Christenson, Mary Carpenter, MD, David Erickson, MD, Alex Falk, MD, Robert Ferrell, MD, Brent Lindbloom, DO, Milton Mutch, MD, and James Reynolds, MD. Staff members present were Ms. Margaret Hansen, Mr. Donald Srstka, and Ms. Jane Phalen. Jan Hines, PA-C and Rodney King, PA-C were present in their capacity as Physician Assistant Subcommittee members.

Guests at the meeting were Daniel Palmer, PA-C, Karen Bumann, PA-C, Ms. Kitty Kinsman, Terry Yeager, MD, and Pamela Bartine, PA-C.

Dr. Robert Ferrell, President of the Board of Medical and Osteopathic Examiners convened an Administrative Rules Hearing at 11:00 a.m. on Tuesday, September 11, 2007, in the Burgundy Room of the Holiday Inn City Center, 100 West 8th St., Sioux Falls, South Dakota.

**BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS
MINUTES OF PUBLIC HEARING**

The purpose of the meeting was to conduct a public hearing on the proposed rules of the board numbered 20:47:06:01, 20:47:06:02, 20:47:06:03, 20:47:06:04, 20:47:06:05, 20:47:06:06, 20:52:01:01, 20:52:01:02, 20:52:01:03, 20:52:01:03:01, 20:52:01:03:02, 20:52:01:04, 20:52:01:05, 20:52:01:06, 20:52:01:07, 20:52:01:08, 20:52:01:09, 20:52:01:10, 20:52:01:11, 20:63:03:03, 20:64:04:03, 20:66:01:01, 20:66:01:02, 20:66:01:03, and 20:66:01:04.

Hearing Officer: Robert L. Ferrell, MD, President of the Board, Spearfish, South Dakota.

Members of the Board in Attendance: Patrick Burchill, Mary Carpenter, MD, Bernie Christenson, David Erickson, MD, Alex Falk MD, Brent Lindbloom, DO, Milton Mutch, MD, and James Reynolds, MD.

Others in Attendance: Margaret Hansen, Donald Srstka, Jane Phalen, Tracy Hummel, Kitty Kinsman, Dan Palmer, Karen Bumann, Rob King, and Jan Hines.

Written Testimony

The hearing officer marked and entered into the record thirteen letters which had been received by the secretary of the board before the hearing. These letters were received from Mike Aanderud, PA-C and Rand Schleusener, MD, (Rapid City); Lori Kollmann, PA-C, (Howard); Kirby Leighty, PA-C and Stuart Fromm, MD, (Rapid City); Karen Bumann, PA-C and Lance Lim, MD, (Lake Preston); Lori Ranek, PA-C and H.A. Saloum, MD, (Tyndall); Darnell Okerson, PA-C and Deborah Okerson, PA-C, (Hot Springs); Dianna Urban, PA-C, (Presho);

Laura Parsons, PA-C and William Waller, Jr., MD, (Rapid City); Diana Bader, MPAS, (Hot Springs); Lola Pollard, PA-C, (Webster); Barb Harvison, PA-C, (Brandon); and Brenda Holscher, PA-C and Vichit Vanadurongvan, MD, (Waubay). All of these letters were in favor of the proposed rules.

Oral Testimony

Oral testimony in favor of the proposed rules numbered 20:52:01:01, 20:52:01:02, 20:52:01:03, 20:52:01:03:01, 20:52:01:03:02, 20:52:01:04, 20:52:01:05, 20:52:01:06, 20:52:01:07, 20:52:01:08, 20:52:01:09, 20:52:01:10, 20:52:01:11 was presented by Dan Palmer, PA-C from Rapid City.

There was no testimony opposing any of the proposed rules.

The hearing officer then asked for additional questions and/or comments. There being no further questions or comments, the testimony portion of the rules hearing was concluded.

The hearing officer then asked for additional questions and/or comments from the board members. There being no further questions or comments from the board members, the public hearing for the proposed administrative rules 20:47:06:01, 20:47:06:02, 20:47:06:03, 20:47:06:04, 20:47:06:05, 20:47:06:06, 20:52:01:01, 20:52:01:02, 20:52:01:03, 20:52:01:03:01, 20:52:01:03:02, 20:52:01:04, 20:52:01:05, 20:52:01:06, 20:52:01:07, 20:52:01:08, 20:52:01:09, 20:52:01:10, 20:52:01:11, 20:63:03:03, 20:64:04:03, 20:66:01:01, 20:66:01:02, 20:66:01:03, and 20:66:01:04 was concluded.

The hearing officer then called for discussion regarding 20:47:06:01. Mr. Christenson moved to approve 20:47:06:01 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:47:06:02. Mr. Burchill moved to approve 20:47:06:02 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:47:06:03. Dr. Mutch moved to approve 20:47:06:03 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:47:06:04. Dr. Falk moved to approve 20:47:06:04 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:47:06:05. Dr. Reynolds moved to approve 20:47:06:05 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:47:06:06. Mr. Burchill moved to approve 20:47:06:06 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:01. Dr. Carpenter moved to approve 20:52:01:01 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:02. Mr. Burchill moved to approve 20:52:01:02 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:03. Dr. Reynolds moved to approve 20:52:01:03 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:03:01. Mr. Christenson moved to approve 20:52:01:03:01 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:03:02. Dr. Reynolds moved to approve 20:52:01:03:02 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:04. Dr. Lindbloom moved to approve 20:52:01:04 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:05. Dr. Mutch moved to approve 20:52:01:05 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:06. Dr. Reynolds moved to approve 20:52:01:06 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:07. Dr. Carpenter moved to approve 20:52:01:07 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:08. Mr. Burchill moved to approve 20:52:01:08 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:09. Dr. Carpenter moved to approve 20:52:01:09 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:10. Mr. Burchill moved to approve 20:52:01:10 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:52:01:11. Dr. Carpenter moved to approve 20:52:01:11 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:63:03:03. Dr. Reynolds moved to approve 20:63:03:03 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:64:04:03. Dr. Mutch moved to approve 20:64:04:03 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:66:01:01. Dr. Carpenter moved to approve 20:66:01:01 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:66:01:02. Mr. Burchill moved to approve 20:66:01:02 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:66:01:03. Mr. Christenson moved to approve 20:66:01:03 and this motion was duly seconded and unanimously approved.

The hearing officer then called for discussion regarding 20:66:01:04. Dr. Lindbloom moved to approve 20:66:01:04 and this motion was duly seconded and unanimously approved.

At 11:30 a.m. as there was no further discussion or business, Dr. Lindbloom moved to close the administrative rules hearing and this motion was duly seconded and unanimously approved.

Dr. Ferrell stated that anyone wishing copies of the minutes of the board's meeting, copies of the above referenced letters entered as exhibits, or notices of board meetings could call or write the Board of Medical and Osteopathic Examiners.

Dr. Ferrell then convened the regular meeting of the Board at 11:30 a.m. The minutes of the meeting held June 5, 2007 were discussed and approved as published.

The Board met with Terry Yeager, MD, and Pamela Bartine, PA-C, from the Medical X-Ray Center in Sioux Falls. Dr. Yeager, an interventional radiologist, and Ms. Bartine presented a request to modify her scope of practice procedures to allow Ms. Bartine to perform thoracentesis and paracentesis with ultrasound guidance, PICC line placement with ultrasound and/or fluoroscopic guidance, PICC line repositioning with fluoroscopic guidance, and feeding tube placement, replacement, or repositioning with fluoroscopic guidance. Ms. Bartine was trained on these procedures during her practice at the Veterans Administration Hospital in Sioux Falls. Dr. Yeager and Ms. Bartine presented protocols outlining the further training and supervision she will receive should the request be approved. After discussion, Dr. Reynolds moved to grant the request for the modifications and the motion was approved.

The Board reviewed the list of new licenses issued since the last meeting. Dr. Mutch moved to approve the licenses and the motion was approved.

The executive director's report was presented and items of old business were:

The resident physicians who completed their residency programs on June 30, 2007, were able to visit the office on Monday July 2, 2007, and pick up their full medical licenses upon presenting their original residency completion documents to this office. The Board received many letters of appreciation from the new licensees, the facilities where they practice, the residency directors and Deans from the medical school.

Items of new business were:

Since the June 2007 meeting, 194 new licenses have been issued, including 84 new physician licenses. The number of pending applications in all the board regulated professions is 350. The number of new physician licenses issued since 2005 totals 486. The time frame to issue licenses when application files are completed is 7 to 10 days, with most being issued within 1 to 2 days.

Progress regarding a new database is continuing, which should allow applicants and other approved parties to check status of application files on-line, make changes to contact information on-line, renew licenses on-line, and improve communication. The staff continues to work to update and re-format licensure applications and other forms to be compatible with a new database, and the staff requests that the Board approve the renewal applications for 2008.

Parties with questions are asked to use the general email address to facilitate response time.

The committee for genetic counseling meeting will be arranged.

Investigations Update:

Dwight King, MD – Pled guilty to a felony. Sentencing is October 3, 2007.

Grant Walker, MD –The hearing before the Office of Hearing Examiners is concluded. Waiting to receive its proposed decision.

Proposed meetings with the Board of Nursing and the Board of Pharmacy to discuss database communication among the three boards regarding board actions.

Dr. Lindbloom moved to accept the executive director's report and the motion was approved.

Two physicians, Dr. Wioletta Mazurczak and Dr. Thomas Mais, requested waiver of the examination requirement due to board certification status and the fact that they met all other requirements for licensure. Motions by Dr. Lindbloom and Mr. Burchill were made respectively; both motions were approved.

Discussion was held regarding extending the number of years a physician enrolled in an MD/PhD program would have to complete the USMLE examination. Current statute sets the number of years at 7 for the completion of the examination. Dr. Mutch moved that the staff develop some statutory language to specifically accommodate physicians from an MD/PhD program for review and discussion at future meetings and the motion was approved.

Discussion was held regarding physicians who complete dental school, medical school, 6 year residencies in oral maxillofacial surgery, and then apply for a SD medical license. These applications will be reviewed on a case by case basis. Further discussion was held regarding recruiting resident physicians by having them practice in a community and become familiar with the city and the medical community, it was noted that the medical practice act allows holders of a resident certificate to practice for a period of time not on a regular basis which would be sufficient for residents and medical facilities to explore employment possibilities.

At this time, board elections were held. Dr. Lindbloom moved that the current officers continue in their official capacity and the motion was approved. Dr. Robert Ferrell was elected president of the board, Dr. James Reynolds was elected vice-president of the board, and Dr. Milton Mutch was elected secretary of the board.

Discussion was held regarding Board actions including investigating applicants for licensure, investigating complaints or concerns associated with those who are already holders of a South Dakota license, and instituting preparations for disasters. Mr. Burchill stated that it is the responsibility of the Board to be united in their goal to ensure the public safety by using all resources and funds at its disposal to achieve this mission. Further discussion was held regarding

the diverse functions of the Board, and that it is vital that the office is able to operate in its day to day activities by acquiring a more appropriate and efficient database, and to retain the best medical experts and other competent professionals to carry out investigations, reviews, litigation, and give testimony in important cases in order to bring pending and future cases to their proper conclusion. Motion was duly made in this regard and it was unanimously adopted. It was reaffirmed by all the members.

The next meeting of the Board will be Tuesday, December 4, 2007, in Sioux Falls. The annual Board Social Event will be held the evening of Monday, December 3, 2007 in Sioux Falls.

There being no further business, the meeting was adjourned at 12:35 p.m.

Robert Ferrell, MD
President, SDBMOE